

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE BRADLEY CHRISTIAN,

Plaintiff,

Case No. 13-cv-12618

v.

HONORABLE STEPHEN J. MURPHY, III

43RD DISTRICT COURT FOR THE
STATE OF MICHIGAN, et al.,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION (document no. 48), OVERRULING
CHRISTIAN'S OBJECTION AND DENYING MOTION TO
DISQUALIFY (document no. 49), GRANTING DEFENDANTS'
MOTION TO DISMISS (document no. 34), AND DISMISSING CASE**

Plaintiff Maurice Bradley Christian, proceeding pro se, filed the instant complaint against Michigan's 43rd District Court, the City of Hazel Park, and various officials for injuries allegedly suffered during a misdemeanor prosecution in March of 2013. Supposedly, the defendants unlawfully seized Christian by ordering him to appear for court, and violated numerous procedural rights guaranteed by the Constitution. Compl., ECF No. 1. The Court referred all pretrial matters to Magistrate Judge Michael Hluchaniuk. After protracted discovery efforts, including the issuance of an order to compel Christian to provide discovery responses, the defendants filed a motion to dismiss pursuant to Civil Rule 37(b)(2). Mot. Dismiss, ECF No. 34; Order, ECF No. 29; Fed. R. Civ. P. 37(b)(2) (suggesting a court may dismiss an action in whole or in part for failure to obey a discovery order).

On November 11, 2014, the magistrate judge issued a Report and Recommendation ("Report") suggesting the Court grant the motion to dismiss. Report, ECF No. 48. Christian

filed a timely objection to the Report. But, rather than specifically objecting to the proposed findings and recommendations as required by Civil Rule 72, Christian asked for reconsideration of his motion to disqualify the magistrate judge for bias. Objection, ECF No. 49; see Intend to Disqualify, ECF No. 32; Order Denying Mot. Recusal, ECF No. 38.¹

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Having reviewed the Report's analysis, in light of the record, the Court finds its conclusions are factually based and legally sound. As Christian has failed to file any specific objections to the Report's findings, the Court will overrule his objections and adopt the Report. The defendants' motion to dismiss will be granted, and the case dismissed.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Report and Recommendation (document no. 48) is **ADOPTED**. Christian's Objection (document no. 49) is **OVERRULED**.

IT IS FURTHER ORDERED that Christian's Motion to Disqualify (document no. 49) is **DENIED**.

IT IS FURTHER ORDERED that the Defendants' Motion to Dismiss (document no. 34) is **GRANTED** and the case is **DISMISSED WITH PREJUDICE**.

¹ Though styled as a motion to disqualify, Christian's request is essentially a motion to reconsider. Christian had previously moved to disqualify Magistrate Judge Hluchaniuk and that motion was denied. ECF No. 38. Under Local Rule 7.1(h), motions for reconsideration must be filed within 14 days of entry of the order. E.D. Mich. LR 7.1(h). Motions for reconsideration that "merely present the same issues ruled upon by the Court, either expressly or by reasonable implication" will not be granted. *Id.* Christian's request for reconsideration of his motion to disqualify is not only untimely and improperly filed, but it presents no new evidence or issues. Accordingly, it is denied.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: December 12, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 12, 2014, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager